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Attorneys for Defendants

CITY OF SAUSALITO, SAUSALITO POLICE

DEPARTMENT, CHIEF JOHN ROHRBACHER,

DETECTIVE DAVIN ROSE, POLICE

OFFICERS' THOMAS GEORGES, SEAN

SMAGALSKI, NICK WHITE

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

JEREMY PORTJE AND AMY PORTJE

Plaintiffs,

v.

CITY OF SAUSALITO, SAUSALITO POLICE  
DEPARTMENT, CHIEF JOHN  
ROHRBACHER, DETECTIVE DAVIN ROSE,  
POLICE OFFICERS' THOMAS GEORGES,  
SEAN SMAGALSKI, NICK WHITE, AND  
DOES 1-10, INCLUSIVE,

Defendants.

Case No.: 3:22-cv-01029

**JOINT INITIAL CASE  
MANAGEMENT CONFERENCE  
STATEMENT : ORDER**

**DATE: June 9, 2023**

**TIME: 8:30 A.M.**

**Courtroom: 6 – 17<sup>th</sup> Fl.  
San Francisco**

The parties hereby submit this Joint Case Management Conference Statement. Plaintiffs Jeremy Portje and Amy Portje are represented by Charles Bonner and A. Cabral Bonner of The Law Offices of Bonner & Bonner. Defendants City of Sausalito, et al, are represented by Aimee Hamoy and Rogelio Serrano of Kaufman Dolowich & Voluck.

- 1       1. **Jurisdiction and Service:** All parties have been served in this matter. Plaintiffs' allegations  
2       include First Amendment, Fourth Amendment, and Fourteenth Amendment claims, as well as  
3       corresponding state law claims of discrimination, negligence and seek monetary damages.  
4       Therefore, venue is proper in the Northern District of California.
- 5
- 6       2. **Facts:** Sausalito police officers Sean Smagalski, Nick White, and Thomas Georges responded  
7       to a call regarding an assault and battery at the Marinship homeless encampment in Sausalito  
8       on November 30, 2021. Plaintiff Jeremy Portje, allegedly acting as a photo journalist, was  
9       filming activities in the encampment area using a video camera on a tripod while the officers  
10      were investigating the assault and battery that had been reported. After some time in the area,  
11      Plaintiff Jeremy Portje was arrested by Sgt. Thomas Georges with the assistance of Officer  
12      Nick White and Sean Smagalski for striking Sgt. Georges with his video camera. Plaintiff  
13      Jeremy Portje's personal property was seized as part of the arrest. Plaintiff claimed his  
14      shoulder was injured during the arrest and was taken to a local hospital for emergency  
15      treatment. Plaintiff was released that evening and was held in custody until the following  
16      early morning. Plaintiff claims he was wrongfully arrested and that his personal property was  
17      wrongfully searched, despite the issuance of a search warrant to do so. Plaintiff's property  
18      was returned to him after charges were not filed. Plaintiff's wife, Amy Portje, claims loss of  
19      consortium/emotional distress as a result of Plaintiff Jeremy Portje's arrest and detention.  
20      Defendants City of Sausalito, et al. dispute Plaintiff Jeremy Portje's claim that he was arrested  
21      improperly. Defendants further contend the search warrant was properly issued and no  
22      violation of the United States Constitution or any state law occurred.
- 23      3. **Legal Issues:**
- 24      Plaintiff Jeremy Portje claims his First, Fourth, and Fourteenth Amendment rights were  
25      violated. He further claims violations under California state laws and seeks monetary damages  
26      for emotional distress as well as attorney's fees. Plaintiff Amy Portje asserts a derivative claim  
27      for loss of consortium as a result of her husband's arrest.
- 28

1 Defendants dispute these claims and assert that Plaintiff Jeremy Portje was arrested with  
2 probable cause. Defendants further contend there was no violation of any state or federal laws  
3 related to Plaintiff's arrest and that a search warrant was properly obtained related to Plaintiff's  
4 personal property (including video camera and cell phone).

5  
6 4. **Motions**: There are no motions pending at this time. Defendants anticipate filing a motion for  
7 summary judgment.

8 5. **Amendment of Pleadings**: The parties proposed September 30, 2022 as the deadline to amend any  
9 pleadings.

10 6. **Evidence Preservation**: The parties confirm they have reviewed the Guidelines Relating to the  
11 Discovery of Electronically Stored Information ("ESI Guidelines"), and have met and conferred  
12 pursuant to Fed. R. Civ. P. 26(f) regarding reasonable and proportionate steps taken to preserve  
13 evidence relevant to the issues reasonably evident in this action.

14 7. **Disclosures**: Initial disclosures were made by the parties and documents will be exchanged  
15 following entry of a stipulated protective order. The parties have identified witnesses and documents  
16 relevant the issues in the case.

17 8. **Discovery**: The parties have completed the deposition of Plaintiff Jeremy Portje. The depositions  
18 of the Defendants will likely be completed by end of August. The parties have issued subpoenas and  
19 will continue working on completing written discovery by end of September.

20 9. **Class Actions**: This matter is not a class action.

21 10. **Related Cases**: There are no related cases at this time.

22 11. **Relief**: All relief sought through complaint or counterclaim, including the amount of any damages  
23 sought and a description of the bases on which damages are calculated. In addition, any party from  
24 whom damages are sought must describe the bases on which it contends damages should be  
25 calculated if liability is established.

26 12. **Settlement and ADR**: The parties have discussed ADR options and are selecting a mediator in  
27 order to meet the current deadline of September 2, 2023.

28 13. **Consent to Magistrate Judge For All Purposes**: The parties do not consent to a magistrate for  
trial.

14. **Other References**: No other references at this time.

15. **Narrowing of Issues**: No narrowing of issues reached at this time or request to bifurcate.

16. **Expedited Trial Procedure**: The parties do not believe this matter can be handled under Expedited Trial Procedure.

17. **Scheduling**: The parties propose the following dates:

- Designation Of Experts 2/2/24
- Discovery Cutoff 2/29/24
- Hearing Of Dispositive Motions 4/25/24
- ~~Pretrial Conference~~ ~~7/3/24~~ TBD
- ~~Jury Trial~~ ~~8/7/24~~ TBD

The Law Offices of Bonner & Bonner is not available for trial from January through July 2024.

18. **Trial**: Jury trial estimated at 7-8 days.

19. **Disclosure of Non-party Interested Entities or Persons**: The parties will have filed the “Certification of Interested Entities or Persons” required by Civil Local Rule 3-15 in advance of the case management conference.

20. **Professional Conduct**: All attorneys of record for the parties have reviewed the Guidelines for Professional Conduct for the Northern District of California.

21. **Other Matters:** No additional matters to be discussed at this time.

Dated: June 2, 2023

KAUFMAN DOLOWICH & VOLUCK, LLP

/s/ Aimee G. Hamoy

AIMEE G. HAMOY

Attorneys for Defendants

CITY OF SAUSALITO, SAUSALITO POLICE

DEPARTMENT, CHIEF JOHN ROHRBACHER,

DETECTIVE DAVIN ROSE, POLICE OFFICERS'

THOMAS GEORGES, SEAN SMAGALSKI, NICK

WHITE

Dated: June 2, 2023

LAW OFFICES OF BONNER & BONNER

/s/ Charles Bonner

CHARLES BONNER

Attorneys for Plaintiffs

JEREMY PORTJE and AMY PORTJE

4890-3661-9040, v. 1

The Court adopts the Joint Case Management Statement. Case Management Conference set for June 9, 2023 is vacated. A Joint Case Management Statement due by December 1, 2023. Case Management Conference set for December 8, 2023 at 8:30 a.m. Pretrial and trial dates to be determined.

Date: June 6, 2023

